

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

AARON LEE KUNTZ and

ROBERT L. PRIME, III,

Defendants.

8:05CR259

ORDER

This matter is before the court on the motion for an extension of time by defendant Robert L. Prime, III (Prime) (Filing No. 17) and the motion to continue an evidentiary hearing by defendant Aaron Lee Kuntz (Kuntz) (Filing No. 20). Prime seeks an extension of time for approximately thirty days in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 10). Kuntz asks for a continuance of a hearing tentatively scheduled for 9:00 a.m. on July 27, 2005. Defense counsel represent to the court that counsel for the government has no objection to the motions. Prime has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Prime consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 21). Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Defendant Prime's motion for an extension of time (Filing No. 17) is granted. Defendant Prime is given until **on or before August 18, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 10). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 20, 2005 and August 18, 2005**, shall be deemed **excludable** time in any

computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Kuntz's motion for a continuance of the hearing (Filing No. 20) is granted. The tentative setting of an evidentiary hearing for 9:00 am. on July 27, 2005, is **canceled** and is rescheduled for **1:30 p.m. on August 26, 2005**, in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at which time all pending motions in this matter will be heard.

DATED this 20th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge